

## **Performance Based Oversight 2011 Assessment Health Care Providers**

As a regulatory agency, the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is required to monitor system participants' compliance with the Texas Workers' Compensation Act and Rules and to take appropriate action to ensure compliance. Compliance objectives are achieved through Performance Based Oversight (PBO), data monitoring, complaint handling, audits, and when appropriate, enforcement actions.

As part of the overall compliance plan, Section 402.075 of the Texas Labor Code mandates TDI-DWC to, at least biennially, assess the performance of health care providers in meeting the key regulatory goals (KRG) established by the commissioner of workers' compensation. The KRGs align with the general regulatory goals of the TDI-DWC such as improving workplace safety and return-to-work outcomes, supporting timely payment of benefits, and increasing communications among system participants.

Based on the performance assessment, health care providers will be placed into regulatory tiers: poor performers, average performers, and consistently high performers. The TDI-DWC must then focus its regulatory oversight on the poor performers.

For the 2011 PBO assessment, the TDI-DWC will assess the health care providers. The health care providers will be reviewed in three performance categories.

- DWC Form-073, *Work Status Report*
- DWC Form-069, *Report of Medical Evaluation*
- Lumbar Spine Magnetic Resonance Imaging

### **Health Care Provider Selection Criteria**

The health care providers selected for the 2011 PBO assessment are selected based on the following:

For the DWC Form-073, *Work Status Report* category:

- The 127 health care providers who billed and received reimbursement of more than \$0, for 75 or more DWC Form-073s, *Work Status Report*, with dates of injury on or after August 1, 2009 and were included in the TDI-DWC medical bill and payment data between August 1, 2009 and November 30, 2009.
- The 127 health care providers include 100 medical doctors and 27 doctors of osteopathy
- See Attachment A for a list of the selected health care providers.

For the DWC Form-069, *Report of Medical Evaluation* category:

- The 150 health care providers who filed 25 or more DWC Form-069s, *Report of Medical Evaluation*, with the TDI-DWC, where an examination occurred between August 1, 2009 and November 30, 2009. This list includes only those health care providers on the *Approved Designated Doctor List*.
- The 150 health care providers include 126 medical doctors and 24 doctors of osteopathy.
- See Attachment A for a list of the selected health care providers.

For the Lumbar Spine Magnetic Resonance Imaging (MRI) category:

- The 48 health care providers who saw 25 or more injured employees with a low back injury<sup>1</sup> where the date of injury was between August 1, 2009 and October 31, 2009.
- The 48 health care providers include 35 medical doctors and 13 doctors of osteopathy.
- See Attachment A for a list of the selected health care providers.

### **Weighted Measures**

The selected health care providers will be assessed on the following measures for the 2011 PBO assessment:

DWC Form-073, *Work Status Report*, category

1. Completeness of the DWC Form-073, *Work Status Report* – 50% weight
2. Timely release to return to work<sup>2</sup> – 50% weight

DWC Form-069, *Report of Medical Evaluation* category

1. Timely filing of the DWC-069, *Report of Medical Evaluation* – 100% weight

Lumbar Spine Magnetic Resonance Imaging

1. Timeliness of MRIs<sup>3</sup> – 0%<sup>4</sup>

### **Data Sources**

#### ***DWC Form-073 category***

The DWC Form-073s to be reviewed are those with dates of injury on or after August 1, 2010 and where there has been reimbursement, of more than \$0. The DWC Form-073s will be identified through the medical bill and payment data submitted by the insurance carriers to the TDI-DWC on or before November 30, 2010.

#### ***DWC Form-069 category***

DWC Form-069s filed with the TDI-DWC where examinations occurred and the form was received between August 1, 2010 and November 30, 2010.

#### ***Lumbar Spine Magnetic Resonance Imaging category***

The health care providers will be selected based on the name of the health care provider listed as having an office visit just prior to the date the MRI was rendered. The MRIs selected for review will be those for dates of injuries between August 1, 2010 and October 31, 2010. The MRIs will be identified through the medical bill and payment data submitted by insurance carriers to the TDI-DWC on or before February 28, 2011. The selected MRIs are on low back injury claims only.

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<sup>1</sup> See attachment B on a list of ICD 9 codes used to identify low back injuries.

<sup>2</sup> See attachment C for an explanation of how this measure will be evaluated.

<sup>3</sup> See attachment D for an explanation of how this measure would be evaluated.

<sup>4</sup> This category will be reviewed but not included in the assessment. The individual results of the review will not be made public. The results will be used to finalize this measure for the 2013 PBO Assessment.

### **Tier Structure and Placement Methodology**

TDI-DWC will have three regulatory tiers that distinguish among poor, average, and high performers in the system. Those assessed are deemed to have an impact on the system due to their volume of filings or MRIs. TDI-DWC is not asserting that a high volume has a negative impact on the system. Those health care providers who are not assessed due to low volume are not absolved from regulatory duties or regulatory oversight when necessary.

In placing the selected health care providers into regulatory tiers, TDI-DWC will conduct several steps to place each health care provider into an overall tier for each category. The first step is to calculate the performance score (percentage) for each measure. Next, the performance score for each measure will be multiplied by the assigned weight value. This calculation of two percentages will then be multiplied by 100 to obtain a weighted value. The weighted value of each measure will then be added together to calculate the final score. The final score will identify the overall performance standard for the assessed entity. The overall performance standard is defined below.

The final scores will be placed into three regulatory tiers based on pre-determined performance standards that distinguish among poor, average, and high performers in the system.

The performance standards are:

**High Tier:** 95 or greater

**Average Tier:** 80.00 through 94.99

**Poor Tier:** 79.99 or less

### **Example of DWC Form-073 category tier placement:**

<b>Health Care Provider X</b>	<b>Step 1 Calculate Individual Measure</b>	<b>Step 2 Weight of Individual Measure</b>	<b>Step 3 Multiply Score by 100 to obtain weighted value</b>	<b>Step 4 Overall Score</b>	<b>Step 5 Overall Tier Placement</b>
<b>Measure 1 – Completeness of DWC Form- 073</b>	82%	50%	41		
<b>Measure 2 – Timely release to return to work</b>	90%	50%	45		
				<b>86</b>	<b>AVERAGE</b>

### **Assessment Process**

The TDI-DWC will identify DWC Form-073s to be reviewed from its medical bill and payment database and submit the list to the health care providers. Health care providers associated with the list of identified DWC Form-073s will be contacted in January 2011, and asked to respond to TDI-DWC by submitting copies of the identified forms for agency staff to review. The TDI-DWC

will distribute the initial findings of all the measures to the respective health care providers in April 2011. Health care providers will be given an opportunity to review these initial findings and, if any findings are refuted, the health care provider will be able to submit a management response (to be posted on the TDI-DWC website) and applicable evidence. The TDI-DWC will review all management responses and requested changes and prepare a summary of changes document. This document will indicate whether the initial finding is changed and, if so, the reason for the change. This summary of changes document will provide the feedback to the assessed health care provider on the TDI-DWC requirements.

The final results of the 2011 PBO health care provider assessments will be published on the TDI-DWC website after the results have been shared with each of the respective health care providers. The TDI-DWC anticipates the publication of the results in September 2011.

The overall results of the MRI measure will be released, but the individual results will not be made public because this measure will only to be used to further define the use of this measure in the 2013 PBO Assessment.

### **Tentative Timeline**

The following is a tentative timeline of milestones for the 2011 PBO health care provider assessment process:

**July 2010:** Public announcement of 2011 PBO Assessment

**January 2011:** Request DWC Form-073s from health care providers

**February – March 2011:** Review DWC Form-073s received from health care providers

**April 2011:** Distribute initial findings and request management responses

**June – August 2011:** TDI-DWC reviews management responses to initial findings and sends summary of changes

**September 2011:** TDI-DWC distributes final results

**September 2011:** Publication of final results and tier placements

### **Incentives**

TDI-DWC will afford the following incentives:

1. Limited audit exemption – providers in the high and average performer categories may benefit from limited audits. Instead, TDI-DWC will focus its annual audit plan on those health care providers and assessed as poor performers. However, if a compliance problem is identified, such as an increase in complaints, TDI-DWC can also audit average and high performers as deemed necessary.
2. Modified penalties – TDI-DWC will consider high performer designation as a factor when determining appropriate enforcement action. As a result, TDI-DWC may assess penalties that are lower for high performers than ordinarily assessed.
3. Publication of all tier results – tier results will be published on TDI-DWC's website.
4. High Performer logo — will be available for use as a marketing tool by those participants who scores put them in the high performing tier.
5. Reduced penalties – for self-disclosure of non-compliance.

## **Enforcement**

The TDI-DWC's emphasis is on early detection of noncompliance and informal discussions to resolve any noncompliant issues. TDI-DWC will initiate enforcement actions, including Warning Letters and the assessment of penalties, when appropriate and necessary to ensure compliance and to deter future noncompliance.

To determine an appropriate enforcement action, TDI-DWC will consider the following:

- Section 415.021 (c) of the Labor Code:
  - Seriousness of the violations;
  - History and extent of previous administrative violations;
  - Demonstration of good faith;
  - Amount of penalty to deter future violations; and
  - Other matters that justice may require.
- Complaint history
- Complaint-to-Market share ratio data
- Overall Compliance.
- Performance Based Oversight Ranking

## ATTACHMENT A

### HEALTH CARE PROVIDER 2011 PBO ASSESSMENT

#### DWC Form-073 category

Rory L. Allen/K7643  
Ramiro P. Alonso/D4598  
C. Lynn Anderson, Jr/F6390  
Ariston P Awitan, Jr/D9070  
Eugenio Bacani/H0982  
Kenneth Homer Baldwin/D8501  
Barbara Sickler Barnett/H8576  
Nicholas Baxter/E3198  
Scott Barry Bischoff/H6055  
Kevin R Boehle/J9978  
Russell Brofer/K2856  
Dan P Browder/M2911  
Raymond C Brown, Jr/H9192  
Billy Carlton Burge/J7313  
Victor Manuel Burgos/M2575  
Thomas Chiu/L6321  
Robert Paul Chizen/H9050  
R Allen Cicora/F9304  
Lance Anthony Craig/E2524  
Bart W Crosby/K7703  
Leo Michael Crowley/G6281  
John D Dang/H1943  
John Tai Dang/J4068  
Harinder Kumar Dhir/K9765  
Crisanto Garcia Dimafelix/M2606  
Jean Theresa Dolan/J7273  
David D. Ellis/F3931  
Steven Robert Ellsworth/G5021  
Ray Joseph Esparza/F3938  
Richard Stephen Fleischer/K1815  
Douglas Byron Fullerton/H5770  
Gerard Thomas Gabel/G6718  
Vincent Gregory Gonzaba/L0807  
Anwarul Haque/M6175  
Warren G Hatley, Jr/H0433  
Jerald Lynn Head/H7064  
Mark Howard Henry/K3231  
James Robert Herzog/J1528  
Charles Rhodes Hinman/L0265  
Bret Harold Holland/F4093

Michael Johnathan Horoda/H2469  
G. Steven Ingram/F9609  
Kerry Duane Inzer/H5670  
Kerry Dean Irons/E3712  
Michael Jeffrey Jenks/L1083  
Keith Johnson/G3499  
David Anthony Jolivet/G2160  
Timothy Brian Jones/M9389  
Anly Joseph/N3105  
Tony Dion Keeble/H0514  
James Myles Kelley/E0069  
Fredrick Wayne Kersh/H4460  
Kashif Z Khan/M7328  
Rashid Khan/K4470  
Roy Glenn Kreusel/F4179  
Cyrus Timothy Lambert/E1009  
Toan Huu Le/M8118  
Walter W Lee/J9157  
Oscar N Lightner/G4161  
David Randolph Long/L9785  
Christopher Paul-Shieh Lu/M7385  
Terence Phillip Macconnell/E4494  
James Earl Madsen/G6966  
C Perry Marshall/N1757  
William James McKay/G0479  
Vikram Mehta/N0967  
William Norman Meshel/E9306  
Dana Brian Mirkin/G7554  
Shannon Marie Mitchel/N3898  
Samuel Stewart Morgan, Jr/H0657  
Mark Edwin Morris/H8268  
Kavitha Nalla/M9526  
Veronika Anna Nicholson/H6473  
George John Niemirowski/H0686  
Christopher O Ogunro/L0887  
Yale S Pearlson/J3186  
Mario Pena, Jr/E8810  
Victor Hugo Peralta/F0114  
Christy Pinkham/L7899  
Louis Frank Puig, III/F1915

Armando Quinones/L3790  
Nilima Rai/J6676  
Noble Bryan Rainwater/H0742  
Karina Ramirez/M5893  
Jaime Felix Recasens/M9600  
Manouchehr Refaeian/J6684  
Jesus Guillermo Rodriguez/J4999  
R. Marcelo Rodriguez/G6867  
Gert Rohde/L3100  
James Keith Rose/J4486  
Sam N Rostami/K3273  
Mohammad Arshad Saeed/E9379  
Rashad Mohammad Saeed/L7153  
Sohail Ahmad Saeed/M6371  
Ashit I Saheba/H1202  
Anup Sanghvi/K7387  
Don Jose Sarmiento/M5481  
Steven William Schierman/J7657  
Kathryn Elizabeth Schmidt/H8382  
Michael Paul Seeley/F4505  
Shahriar Setoudeh-Maram/M7611  
Kathleen Elizabeth Sharp/L7284  
Laura Elizabeth Sharratt/H2776  
Richard Lee Siemens/N2300

Pritpal Singh/M0924  
Russell Brent Skinner/K5697  
Jane Ann Smeck/G0132  
Cedrick Dwayne Smith/K8981  
Mary Alice Steffens/K6933  
Darryl Lee Stinson/J7212  
Robert John Stuart/G1558  
William Joseph Swartworth/M7673  
Arthur Larry Taitel/D7327  
Ernesto Marte Tamez, Sr/J5921  
Stacey G. Thomas/N1184  
Richard David Trifilo/M3408  
Richard Gary Trifiro/K3501  
Leocadio Antonio Valentin/K4597  
Lawrence Joseph Walsh/F0811  
Christine Wyman Wan/K7933  
G Emory Warren/J0720  
David Sean Webster/N1218  
Margaret R Wells/G2625  
Toni Irene White/M5975  
Clyde Marion Williams/E2942  
David Barry Willingham/H0947  
Larry D Wilson/H1333

## DWC Form-069 category

Hanna J Abu-Nassar/E4162  
Raymond Talmadge Alexander/F3704  
Muntaz Ali/E9510  
Dale Ray Allen/D4590  
John R Anderson/D5897  
John Gray Andrew/C3563  
Victor-Hugo Valenca Arellano/G7777  
Ravindra S Arora/D5667  
Eradio Arredondo/D8137  
Karen S. Asbury/J9571  
Anil Tukarampant Bangale/E7370  
Miguel B Banta, Jr/D6942  
Roger J Beaudoin/E9530  
Stephen J Becker/K3679  
Leslie Wayne Benson/H2243  
Howard Robert Bernstein/E9536  
Deo Kalyan Bhati/D8997  
Nabil Bishara/E2470  
Daniel Alexander Boudreau/D5354  
John Bookhout Bourland, Jr/D4468  
Patricia Charlene Brock/K8029  
George Erwin Brown, Jr/L8288  
Andrew Brylowski/H4192  
James Elmer Butler, III/D0075  
Juan J Capello/D4061  
Jerome Oliver Carter/L8298  
Stephen Anthony Carter/J7442  
Harparminder S Chadha/K5852  
Suresh Chavda/J2537  
Vasco Chi-Ho Cheuk/M1583  
Geoffrey Stephen Coates/E9581  
Stevan Cordas/D5368  
Jean Frances Coria/G6492  
Ronald G Corley/D8519  
Lida S Dahm/D5712  
Gerald T Delk/K9255  
J. Thomas Dilger, Jr/G6822  
Steven A Doores/F6582  
Cynthia Dott/G8086  
Howard Thomas Douglas, III/F1511  
Mark Alan Doyne/J0944  
Guy Kenneth Driggs, Jr/E4306  
Samir Sobhy Ebeade/H1075  
Darrell Dollar English/L4189  
Karl Daniel Erwin/G5026  
Dennis R Flores/F3124  
Gerald Peter Foox/E8473  
Simon T. Garza-Keever/J9042  
Charles E. George/C6328

Ann N Gerges/M1700  
Dennis N. Graham/F6684  
Peter Edward Grays/H6254  
Charles H Gregory/C6345  
Victor Guerrero/K2913  
Robert F Haden/D2232  
Gerald Allan Halaby/F3158  
Katharina Hathaway/L7412  
Marjaneh Hedayat/L1881  
Ronald B Heisey/F1053  
Floyd James Herbertson/H1460  
Victor Hernandez/F6252  
Howard Houston Hood, III/G4016  
James Furniss Hood/D3269  
William K Jackson/D1683  
Kevin B James/M4201  
Kyle Elliott Jones/K8239  
Joel Joselevitz/J1703  
Robert Kadoko/M1808  
Adolph Frederick Kauffmann, III/B6910  
Charles W Kennedy, Jr/E2253  
Jack A Kern/D2250  
Berney R Keszler/E4451  
Robert Jack Kilian/D9333  
Bruce G. Kinzy/D8745  
Gunda Lee Kirk/H0523  
Milton E Kirkwood/G3523  
Elizabeth Kummer/G5271  
Bonnie Jean Lammers/H8719  
Liza H Leal/K2735  
Charita S. Littles/L6499  
Donald M Mauldin/E2708  
Gilbert Mayorga, Jr/H3117  
Grant Rexford McKeever/D5437  
Jerry Michael McShane/F4272  
Ricky Michael McShane/K2753  
George Everett Medley/C8006  
Roby D Mize/E0559  
Jose J. Monsivais/G9625  
Jerry W. Morris/E6536  
Charles M. Murphy/G7558  
Raul Abel Najera/H0089  
Eloy Ochoa, Jr/M3345  
Marco A Ochoa/D7455  
Catherine Eno Okpon Onabajo/K1890  
Robert Panzarella/F7026  
Sankar Pemmaraju/K8811  
Fred Laurel Perez, Jr/F8611  
Karen Michelle Perl, V/M0526

Sandra Peyton/K3392  
Andrew William Prychodko/J8093  
O. Doak Raulston, Jr/C8414  
Benjamin Richard Respass/G1271  
Barna Allen Richards/D1022  
Elbert Floyd Robinson/D4445  
Robert Rodriguez/F6370  
Lionel Roger/E9952  
Philip Eugene Rosen/D6156  
Philip B Rothenberg/D6859  
Robert Edward Roybal/E0598  
Gilbert R Salazar/H0781  
Josephine W Session/E4671  
Richard A Sexton/L7880  
Carl G Simpson/H5361  
Wright Wiley Singleton/J0266  
John Anthony Sklar/J2803  
James Lee Slater, II/L6184  
Robert H Smiley/E0149  
Edward William Smith/E1757  
Stephen Lynn Smith/G8426  
William Wayne Smith/C8447  
Wayne A Soignier/G9665  
David Wayne Spinks/F4557  
John Gilbert Steele/C9149  
Karen Sandra Thornton Suttle/K5223

Edwin Jackson Taegel/D2606  
John O Taxis/F6330  
Orlando J Terneny/D7896  
Barry C Thomas/J0697  
Daniel Otha Thompson, III/E8961  
Rollin L Thrift/G0205  
John Summerfield Townsend, IV/H7354  
Raymond George Troxler/E5634  
Daniel S Tuft/J3640  
Theodore John Tuinstra/D4576  
Jeremiah John Twomey/D5489  
Susan Van De Water/H2869  
Charles Richard Vavrin/D1510  
Victoria Mae Voge/K1122  
Jesse William Vredenburg/J1804  
Ronald J Washington/E1172  
Donald Lee Wehmeyer/F9058  
Hans O Wendenburg/D6206  
David Adam West/J9437  
Bruce Edward Whitehead/J4610  
Robert Earl Whitsell/D2315  
Grethe E Wik/G9902  
Robert Seth Williams/J9845  
Helen M Wood/J9447  
Kerry Jo Yancy/H8531  
Joseph Zadeh/J5523

## **Lumbar Spine Magnetic Resonance Imaging category**

Rory L. Allen/K7643  
C. Lynn Anderson, Jr/F6390  
Kenneth Homer Baldwin/D8501  
Barbara Sickler Barnett/H8576  
Scott Barry Bischoff/H6055  
Kevin R Boehle/J9978  
Billy Carlton Burge/J7313  
R Allen Cicora/F9304  
Leo Michael Crowley/G6281  
John D Dang/H1943  
Hector Gonzalez/L2904  
Warren G Hatley, Jr/H0433  
Jerald Lynn Head/H7064  
Charles Rhodes Hinman/L0265  
Kerry Dean Irons/E3712  
Keith Johnson/G3499  
Anly Joseph/N3105  
Fredrick Wayne Kersh/H4460  
Kashif Z Khan/M7328  
Roy Glenn Kreusel/F4179  
Toan Huu Le/M8118  
Don Mackey/E1032  
James Earl Madsen/G6966  
C Perry Marshall/N1757  
William James McKay/G0479  
Vikram Mehta/N0967  
William Norman Meshel/E9306  
Shannon Marie Mitchel/N3898  
Samuel Stewart Morgan, Jr/H0657  
Mark Edwin Morris/H8268  
Kavitha Nalla/M9526  
Veronika Anna Nicholson/H6473  
Jaime Felix Recasens/M9600  
Manouchehr Refaeian/J6684  
Jesus Guillermo Rodriguez/J4999  
Gert Rohde/L3100  
James Keith Rose/J4486  
Ashit I Saheba/H1202  
Anup Sanghvi/K7387  
Michael Paul Seeley/F4505  
Laura Elizabeth Sharratt/H2776  
Pritpal Singh/M0924  
Cedrick Dwayne Smith/K8981  
Robert John Stuart/G1558  
Arthur Larry Taitel/D7327  
Ernesto Marte Tamez, Sr/J5921  
Lawrence Joseph Walsh/F0811  
G Emory Warren/J0720

## ATTACHMENT B

ICD9 Code	Description
922.3	Contusion of back
922.31	Contusion of back
922.32	Contusion of buttock
722.73	Intervertebral disc disorder with myelopathy, lumbar region
952.2	Lumbar spinal cord injury without spinal bone injury
721.3	Lumbosacral spondylosis without myelopathy
722.52	Degeneration of lumbar or lumbosacral intervertebral disc
724.6	Disorders of sacrum
722.93	Other and unspecified disc disorder of lumbar region
839.2	Closed dislocation, lumbar vertebra
839.2	Closed dislocation, thoracic and lumbar vertebra
720.2	Sacroiliitis, not elsewhere classified
805.4	Closed fracture of lumbar vertebra without mention of spinal cord injury
805.6	Closed fracture of sacrum and coccyx without mention of spinal cord injury
722.1	Displacement of lumbar intervertebral disc without myelopathy
722.1	Displacement of thoracic or lumbar intervertebral disc without myelopathy
722.11	Displacement of thoracic intervertebral disc without myelopathy
724.4	Thoracic or lumbosacral neuritis or radiculitis, unspecified
724.3	Sciatica
722.83	Postlaminectomy syndrome of lumbar region
724.2	Lumbago
724.5	Backache, unspecified
739.3	Nonallopathic lesions of lumbar region, not elsewhere classified
739.4	Nonallopathic lesions of sacral region, not elsewhere classified
724	Spinal stenosis, other than cervical
724.02	Spinal stenosis of lumbar region
847.2	Lumbar sprain
846	Lumbosacral (joint) (ligament) sprain
847.9	Sprain of unspecified site of back
846.9	Unspecified site of sacroiliac region sprain
846	Sprains and strains of sacroiliac region
846.1	Sacroiliac (ligament) sprain
847.3	Sprain of sacrum
846.8	Other specified sites of sacroiliac region sprain
847.4	Sprain of coccyx
724.8	Other symptoms only referable to back
724.9	Other unspecified back disorders
724	Other and unspecified disorders of back
724.79	Other disorders of coccyx

## ATTACHMENT C

### TIMELY RELEASE TO RETURN TO WORK MEASURE

1. The DWC Form-073s, for each health care provider, will be identified through the TDI-DWC's medical bill and payment data where there was a billing and a
2. reimbursement rate of more than \$0. The DWC Form-073s will be collected from the health care providers. The total number of DWC Form-073s is the denominator.
3. From Section II, 13 of the DWC Form-073s, count the number of forms where Box A (allows the injured employee to return to work) or Box B (allows the injured employee to return to work with restrictions) was selected. This number is the numerator.
4. Dividing the numerator by the denominator, obtain a percentage score.
5. If any DWC Form-073's, Section II, 13 Box C is indicated, the TDI-DWC will request medical records from the health care providers that offer an off work rationale.
6. If the medical rationale for an off work status is accepted after an *Internal Clinical Review*, then add that DWC Form-073(s) to the numerator.
7. **Internal Clinical Review<sup>5</sup>:**
  - i. The clinical review will first involve an evaluation of documentation that illustrates the off work dates are in conjunction with the Medical Disability Advisor (MDA), disability duration tables. Documentation for this review may include the following:
    - DWC Form-074, *Description of Injured Employee's Employment*
    - Medical Records indicating injured employee's job classification
    - Medical records indicating MDA calculation
  - ii. Absent any medical documentation showing an assessment of the injured employee per the MDA disability durations, a case-by-case clinical review will occur based on other evidence-based medical literature (i.e. ACOEM<sup>6</sup>, etc) and contemporaneous written explanation provided by the health care provider. Determination of an off work status may consider:
    - Attendance is required at a place of care (hospital, physician's office, physical therapy).
    - Recovery (or quarantine) requires confinement to bed or home.
    - Being in the workplace or traveling to work is medically contraindicated (poses a specific hazard to the public, coworkers, or to the worker personally, i.e., risks damage to tissues or delays healing).
  - iii. The following is a list of some examples that, without a written explanation or documentation in the medical records, will not be accepted as a reason for taking an injured employee off work:
    - Work (restricted or not) was not available by the employer
    - Pending further tests, rehabilitation, physical therapy, etc
    - Pain
    - Rest

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<sup>5</sup> The clinical review will be conducted by a medical provider on staff at the TDI-DWC or by a medical provider serving on the TDI-DWC's Medical Quality Review Panel.

<sup>6</sup> **ACOEM Paper on Preventing Needless Disability** - Copyright © 2006 American College of Occupational and Environmental Medicine. Published in September 2006 *JOEM*

## ATTACHMENT D

### LUMBAR SPINE MAGNETIC RESONANCE IMAGING MEASURE

1. Select a group of health care providers, who have treated 25 or more patients with a diagnosis of low back injury, with a date of injury between August 1, 2010 and October 31, 2010. The total number of patients for each health care provider will be the denominator.
2. From the group of patients, defined in #1 subtract the number of patients who received a lumbar spine MRI 21 days from the date of injury. The remainder is the numerator.
3. Dividing the numerator by the denominator, obtain a percentage score.
4. For those health care providers with MRIs rendered 21 days from the date of injury, medical records will be requested to show the clinical rationale for the MRI. The health care provider will highlight the area of the records that justify the clinical rationale.
5. Using the list(s) in the Official Disability Guidelines (ODG) and clinical judgment, determine if the clinical rationale supports performance of the MRI scan. An *Internal Clinical Review* by medical staff at TDI-DWC or a member of the MQRP, will conduct the Internal Clinical Review.
6. If the clinical rationale for the MRI ordered prior to 21 days from date of injury is accepted after an *Internal Clinical Review*, then add that MRI to the numerator.
7. Recalculate final scores.

## ATTACHMENT B

ICD9 Code	Description
922.3	Contusion of back
922.31	Contusion of back
922.32	Contusion of buttock
722.73	Intervertebral disc disorder with myelopathy, lumbar region
952.2	Lumbar spinal cord injury without spinal bone injury
721.3	Lumbosacral spondylosis without myelopathy
722.52	Degeneration of lumbar or lumbosacral intervertebral disc
724.6	Disorders of sacrum
722.93	Other and unspecified disc disorder of lumbar region
839.2	Closed dislocation, lumbar vertebra
839.2	Closed dislocation, thoracic and lumbar vertebra
720.2	Sacroiliitis, not elsewhere classified
805.4	Closed fracture of lumbar vertebra without mention of spinal cord injury
805.6	Closed fracture of sacrum and coccyx without mention of spinal cord injury
722.1	Displacement of lumbar intervertebral disc without myelopathy
722.1	Displacement of thoracic or lumbar intervertebral disc without myelopathy
722.11	Displacement of thoracic intervertebral disc without myelopathy
724.4	Thoracic or lumbosacral neuritis or radiculitis, unspecified
724.3	Sciatica
722.83	Postlaminectomy syndrome of lumbar region
724.2	Lumbago
724.5	Backache, unspecified
739.3	Nonallopathic lesions of lumbar region, not elsewhere classified
739.4	Nonallopathic lesions of sacral region, not elsewhere classified
724	Spinal stenosis, other than cervical
724.02	Spinal stenosis of lumbar region
847.2	Lumbar sprain
846	Lumbosacral (joint) (ligament) sprain
847.9	Sprain of unspecified site of back
846.9	Unspecified site of sacroiliac region sprain
846	Sprains and strains of sacroiliac region
846.1	Sacroiliac (ligament) sprain
847.3	Sprain of sacrum
846.8	Other specified sites of sacroiliac region sprain
847.4	Sprain of coccyx
724.8	Other symptoms only referable to back
724.9	Other unspecified back disorders
724	Other and unspecified disorders of back
724.79	Other disorders of coccyx